

McGovern Legal Services, LLC
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ATTORNEYS FOR LAKEVIEW HOMEOWNERS ASSOCIATION, INC.

In re:

DESMOND A. HICKS

Debtor.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
IN PROCEEDINGS UNDER CHAPTER 13
OF THE BANKRUPTCY CODE

CASE NO.: 18-24251-JNP

**OBJECTION TO CONFIRMATION OF
DEBTOR'S CHAPTER 13 PLAN**

Creditor, Lakeview Homeowners Association, Inc. (the "Association"), by and through its counsel, McGovern Legal Services, LLC, hereby submits this objection to Debtor's plan of reorganization under Chapter 13 of the Bankruptcy Code. The Association's objection includes, but is not limited to the following:

**I. THE PROPOSED PLAN DOES NOT INCLUDE PAYMENT OF THE
ASSOCIATION'S SECURED CLAIM.**

Debtor's proposed Chapter 13 Plan fails to properly identify and treat the Association's \$4,311.02 secured claim. A Consent Order Allowing Late Proof of Claim and Providing for Payment of Secured Claim through Chapter 13 Plan was filed on October 2, 2018. Upon information and belief, this lien secures the Association's claim against the Debtor's principal residence.

The Debtor's Chapter 13 plan does not propose to pay the Association its \$4,311.02 secured claim. Pursuant to 11 U.S.C. §1322(b)(2), the Chapter 13 Plan may "modify the rights of holders of secured claims, other than a claim secured only by a security interest in real property that is the debtor's principal residence" (emphasis added). As a result, the Association objects to confirmation of Debtor's Plan since it does not provide for payment of the secured claim and the Lien is filed against the Debtor's principal residence.

Respectfully submitted,
McGovern Legal Services, LLC

Date: February 6, 2020

By: 
WILLIAM H. BROSHA, ESQ.

CERTIFICATION OF SERVICE

I, William H. Brosha, Esq., certify and state that this document was served upon the individuals and/or entities listed below by electronic mail on February 6, 2020. I am aware that if any of the statements made herein are willfully false, I am subject to punishment.

Respectfully submitted,
McGovern Legal Services, LLC

Date: February 6, 2020

By: 
WILLIAM H. BROSHA, ESQ.

SERVICE LIST

Via Electronic Service:

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